

REMARKS

This is a broadening reissue application. In this Reply, no amendments to the claims are made, nor are any claims canceled. No new matter is entered. Previously amended patent claim 1, original patent claims 2-11, and reissue claims 122, 124-138, and 140-146 remain pending in this reissue application. Reconsideration and allowance of this reissue application is requested.

In the Office Action dated September 30, 2010 (the "Office Action"), the reissue declaration filed August 7, 2009 was considered to be defective because it allegedly states the wrong error being corrected by this reissue application incorrectly. See Office Action at pg. 2, ¶ 1. In the Office Action, claims 1-11 and 122-146¹ were rejected under 35 U.S.C. § 251 as being based upon a defective reissue declaration. See Office Action at pg. 2, ¶ 2.

It is respectfully submitted that the August 7, 2009 declaration is not defective, properly states a reissue error under 37 C.F. R. § 1.175(a), and that a supplemental reissue declaration is not required under 37 C.F.R. § 1.175(b)(1).² Nonetheless, a new declaration is submitted herewith in accordance with 37 C.F.R. § 1.175 and in view of the remarks and objections made in the Office Action. It is respectfully submitted that at least this new declaration is a proper 37 C.F.R. § 1.175 declaration, properly stating a

¹ Claims 123, and 139 were previously canceled in the Reply to Final Office Action submitted on August 3, 2010 concurrently with a Request for Continued Examination. Accordingly, previously amended patent claim 1, original patent claims 2-9, and reissue claims 122, 124-138 and 140-146 are pending in this reissue application.

² Remarks regarding the correctness and completeness of the earlier submitted declarations pursuant to 37 C.F.R. § 1.175 have been previously made of record in this reissue application. See e.g., Reply to Final Office Action dated July 21, 2010, pg. 14.

reissue error under 37 C.F.R. § 1.175(a), and satisfying the supplemental declaration requirements under 37 C.F.R. § 1.175(b).

The newly submitted declaration is being submitted with the signature of only Dario Sansone, as Ubaldo Puglia is now deceased, and his widow and heir refuses to sign the declaration on behalf of Mr. Puglia. The newly submitted declaration was prepared in both English and Italian so it could be reviewed and understood by Ubaldo's heirs. In accordance with M.P.E.P. § 1414.01(III), a petition under 37 C.F.R. § 1.183 is filed with the declaration requesting the Commissioner to waive the signature requirements of a non-signing inventor and to accept the declaration signed by all of the remaining inventors.

In view of these remarks, it is respectfully requested that the newly submitted declaration be accepted in accordance with M.P.E.P. § 1414.


In view of the foregoing amendments and remarks, reconsideration of this broadening reissue application and the timely allowance of the pending claims is requested.

Please grant any additional extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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By: 

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